

REMARKS

Initially, in the Office Action dated May 7, 2004, the Examiner objects to the drawings under 37 CFR 1.83(a) because of informalities. Claims 1-15, 17-22, 27-39 and 47-65 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,791,407 (Hammons) in view of U.S. Patent No. 5,412,377 (Evans et al.). Claims 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hammons in view of Evans et al. and further in view of U.S. Patent No. 6,208,388 (Farleigh). Claims 25, 26 and 40-46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hammons in view of Evans et al. and further in view of U.S. Patent No. 6,208,388 (Farleigh) (sic). Applicants assume that the Examiner meant U.S. Patent No. 5,201,067 (Grube et al.) as opposed to Farleigh.

By the present response, Applicants have canceled claims 11 and 16 without disclaimer. Further, Applicants have submitted new claims 66-72 for consideration by the Examiner and assert that these claims do not contain any prohibited new matter. Applicants have amended claims 1 and 17 to further clarify the invention. Claims 1-10, 12-15 and 17-72 remain pending in the present application.

Drawings Objections

The drawings have been objected to under 37 CFR 1.83(a) because of informalities. Applicants have amended the drawings to further clarify the invention and respectfully request that these objections be withdrawn.

35 U.S.C. §103 Rejections

Claims 1-15, 17-22, 27-39 and 47-65 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hammons in view of Evans et al. Applicants respectfully traverse these rejections.

Hammons discloses a vehicle heating and cooling control system 5 which automatically starts a vehicle to warm or cool it. The system 5 controls a number of devices, such as an ignition switch 60 and a fan blower control circuit 66. A processing unit 10 in the system 5 is used to control the devices. The system 5 may be operated using a control unit 20, which "is positioned in a location permitting ready access by an operator, such as in the dashboard or under the dashboard of the vehicle" (col. 5, lines 50-52), or by using a portable transmitting unit 90, which is essentially an RF remote control, and a receiver unit 14 in system 5. The system 5 also comprises memory 12 so that the system can be programmed using control unit 20 or through receiver unit 14 to perform a warm or cool start of the engine and to heat or cool the vehicle at a pre-programmed time.

Evans et al. discloses a universal remote control for controlling an audio-video system in the absence of a user. The remote controller 10 comprises RAM 25, which is used to store instruction codes learned by remote controller 10. The RAM 25 may also contain program schedule information that is used to instruct a VCR to commence and end the recording of particular television programs.

Regarding claims 1, 17 and new claims 67 and 70-72, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose,

suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, output means for transferring to the system the retrieved control information for configuring the device in response to the portable controller entering the environment of the system, or memory circuitry arranged to store and retrieve the control information for configuring the device, or a portable controller that includes output means for transferring to the system the retrieved control information for configuring the device, including means for establishing a bi-directional link with the system, wherein the bi-directional link is for transferring the identity of a system/device to the portable controller and for transferring the retrieved control information for configuring the device from the portable controller to the system. The Examiner asserts, on page 7 of the Office Action in reference to claim 11, that Hammons discloses wherein the controller (20) transfers retrieved control information to the system (5) when it enters the environment of the system (5), at column 5, lines 34-40. However, this passage of Hammons cited by the Examiner merely describes when the operator enters the vehicle and inserts the key after the start of the operation of Fig. 2 has occurred. At this point, the key sensor 46 notifies the processing unit 10. The processing unit 10 then enters a waiting state until the operator next programs a function (step 1000). Vehicle operation progresses as normal until control unit 20 or transmitting unit 90 are used to reprogram system 5. This is not output means for transferring to the system the retrieved control information for configuring the device in response to the portable controller entering the environment of the system, as recited in the claims of the present application.

This passage does not disclose that the transmitting unit 90 or indeed the control unit 20 comprises output means for transferring the system the control information for configuring the device in response to the portable controller entering the environment of the system. This passage does not even disclose a portable controller entering the environment of the system. It is the key that could be considered to be entering the environment of the system, not the control unit 20 or the transmitting unit 90.

After the key has been inserted, control unit 20 or transmitting unit 90 do not transfer any information to the system 5 until the operator chooses to reprogram the system 5.

Moreover, none of the cited references disclose or suggest memory circuitry arranged to store and retrieve the control information for configuring the device, as recited in the claims of the present application. The Examiner admits that Hammons does not disclose or suggest these limitations but asserts that these limitations are disclosed by Evans et al. at col. 4, lines 22-37 and Fig. 1-3. However, Evans et al. is concerned with remote controls for audio-video systems, such as TV's and VCR's. The disclosures made in Evans et al. are therefore in a completely separate field to vehicle management systems, as recited in the claims of the present application. Therefore, Applicants assert that there would be no motivation for one of ordinary skill in the art to combine the disclosure of Evans that relates to the field of remote controls for audio-video systems with Hammons that relates to a vehicle heating and cooling control system in an attempt to achieve the limitations in the claims of the present invention.

Further, none of the cited references disclose or suggest a portable controller that includes output means for transferring to the system the retrieved control information for configuring the device, including means for establishing a bi-directional link with the system, wherein the bi-directional link is for transferring the identity of a system/device to the portable controller and for transferring the retrieved control information for configuring the device from the portable controller to the system, as recited in the claims of the present application. The Examiner has failed to provide any specific arguments anywhere in the Office Action where these limitations are disclosed or suggested by any of the references. According to the present invention, the portable controller includes output means, including means for establishing a bi-directional link with the system, wherein the bi-directional link is for transferring the retrieved control information for configuring the device from the controller to the system. The product ID is set from the personal communications device 100 to the remote site database 300. Grube et al. also fails to disclose these limitations in the claims of the present application since at no point in Grube et al. is the retrieved control information for configuring the device transferred from the controller to the system.

Regarding claims 2-10, 12-15, 18-22, 27-39, 47-65 and new claims 66, 68 and 69, Applicants submit that these claims are dependent on one of independent claims 1, 17 and 67 and, therefore are patentable at least for the same reasons noted regarding these independent claims.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-10, 12-15, 17-22, 27-39, 47-65 and new claims 66-72 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hammons in view of Evans et al. and further in view of Farleigh. Applicants respectfully traverse these rejections.

Farleigh discloses an automatic channel responsive television input source selection switch couples output signals from a selected one of a plurality of input television input source interface circuits to a television in accordance with a user channel selected with a user channel selector manually controlled through one of a remote control unit and interface and a manual interface. A look-up table memory stores each of the possible user channel numbers along with an associated input signal source channel and an indication of signal source identity, such as indication of a direct broadcast satellite television signal source, a public television broadcast source and a security camera source. The switch based on the associations stored in the look-up memory selects the associated video input signal source and provides an indication of the associated source channel number to a tuner included in the selected interface. An on-screen user channel selection program enables the user to change the channel selections associated with different sources and source channels.

Applicants submit that these claims are dependent on independent claims 17 and, therefore are patentable at least for the same reasons noted previously regarding these independent claims. Applicants submit that Farleigh does not overcome the substantial defects noted previously regarding Hammons and Evans et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 23 and 24 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 25, 26 and 40-46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hammons in view of Evans et al. and further in view of Grube et al. Applicants respectfully traverse these rejections.

In Grube et al., a personal communications device 100 is disclosed which can be used to facilitate a variety of two-way communications, including both voice and data communications, and for one-way remote control signaling. In order to acquire information regarding the remote control signaling for a particular product or device, the personal communications device 100 contacts a remote site data base 300. The remote site data base 300 comprises a data base 302 containing information such as frequency, signaling protocol, modulation type, etc. that is used by the device. In order to acquire relevant information regarding a particular product or device the user enters an appropriate product ID, such as the model number of the product,

after contacting the remote site data base 300. The personal communications device 100 then receives via the wireless transceiver the remote control information 403 relating to that device from the remote database 300.

Applicants submit that these claims are dependent on independent claims 17 and, therefore are patentable at least for the same reasons noted previously regarding these independent claims. Applicants submit that Grube et al. does not overcome the substantial defects noted previously regarding Hammons and Evans et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 25, 26 and 40-46 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-10, 12-15 and 17-72 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/869,542

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1156.43157TRN).

Respectfully submitted,

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Attachment: Annotated Sheet Showing Changes